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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,323	04/20/1999	YOSHIHIRO HONMA	B208-1031	7044
26272	7590	10/22/2004	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C.			HANNETT, JAMES M	
JOHN J TORRENTE			ART UNIT	PAPER NUMBER
1133 AVE OF THE AMERICAS			2612	
1133 AVE OF THE AMERICAS				
NEW YORK, NY 10017			DATE MAILED: 10/22/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/295,323	HONMA, YOSHIHIRO
	Examiner	Art Unit
	James M Hannett	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 July 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,5,9,12,29 and 34-46 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1,5,9,12 and 34-43 is/are allowed.
 6) Claim(s) 29 and 46 is/are rejected.
 7) Claim(s) 44 and 45 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1: Claims 29 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,040,860 Tamura et al in view of USPN 5,548,330 Heida et al.

2: As for Claim 29, Tamura et al teaches in Figure 1 and Figure (9A) and Column 17, Lines 31-40 a signal processing apparatus which processes a signal outputted from an image pickup element (1001) having filters arranged to use plural kinds of colors, comprising: a color-suppression circuit (1005), provided for primary color signals or complementary color signals obtained from said image pickup element (1001), for color-suppressing said primary color signals or said complimentary color signals in accordance with the level of luminance signal; a color signal processing circuit (1006) which processes output by said suppression circuit (1005). It is viewed by the examiner that the gradation compensation circuit is a color suppression circuit. However, Tamura et al does not teach that the color-suppression is reduced as a level of luminance signal increases in a high level part of a luminance signal over a predetermined time.

Heida et al teaches on Column 3, Lines 41-42, Column 6, Lines 59-67 and Column 7, Lines 1-8. That it is advantageous when designing an image processing apparatus to reduce the color-suppression as a level of luminance signal increases in a high level part of a luminance signal over a predetermined time in order to improve image quality.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the color-suppression circuit of Tamura et al to reduce the color-suppression as a level of luminance signal increases in a high level part of a luminance signal over a predetermined time as taught by Heida et al in order to improve image quality.

3: In regards to Claim 46, Tamura et al further teaches in Figure 1 an A/D conversion circuit (1004) for A/D converting primary color signals or complementary color signals obtained from said image pickup element before said color-suppression circuit (1005).

Allowable Subject Matter

4: Claims 44 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5: Claims 1, 5, 9, 12 and 34-43 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest placing a color suppression circuit in front of an RGB matrix circuit. Furthermore, the prior art does not teach the use of placing a color suppression circuit between an image pickup element and an interpolation circuit. The prior art further does not teach the suppression circuit can be provided between said color interpolation circuit and said color-difference signal forming circuit.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

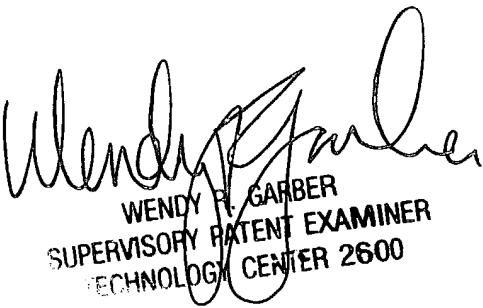
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
October 1, 2004



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600